

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Thomas Falck et al.
Serial No. : 10/563,846
Confirmation No. : 5404
Filing Date : January 5, 2006
Group Art Unit : 2618
Examiner : Huang, Wen Wu
Attorney Docket No. : DE 030235

**APPEAL BRIEF
On Appeal from Group Art Unit 2618**

Appellant hereby petitions for a one month extension of time, extending the period for response for filing this brief to July 23, 2008, the requisite fee being paid through EFS.

Date: June 24, 2008

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I. REAL PARTY IN INTEREST

The real party in interest is Koninklijke Philips Electronics N.V., the assignee of record.

II. RELATED APPEALS AND INTERFERENCES

Appellant is not aware of any pending appeals, judicial proceedings, or interferences which may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

- a) Claims 11-16 are pending at the time of filing this appeal brief.
- b) Claims 11-16 stand rejected and are the subject of this appeal.
- c) Claims 1-10 and 17-23 are cancelled.
- d) Claim 11 is independent.

IV. STATUS OF AMENDMENTS

The claims listed in section "VIII. Claims Appendix" of this Appeal Brief correspond to the claims as submitted in Appellant's amendment filed November 2, 2007. No claim amendments have been submitted following the amendment of November 2, 2007. These claim amendments were entered by the Examiner as indicated in the final Office Action of January 23, 2008.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention, as recited in independent claim 11, is directed to a system for giving a presentation (Figs. 1-14; page 4, line 21 to page 5, line 34). The system comprising: an internal communication network adapted for access by an internal wireless device and a visitor wireless device (page 5, line 3 to page 6, line 9); a mobile data carrier operative to load software to the visitor wireless device and to set the visitor wireless device to an ad-hoc mode (page 6, line 21 to page 7, line 27; page 10, lines 7-9); an image-showing device comprising a wireless communication interface (page 4, line 29 to page 6, line 20), wherein the internal wireless device is adapted to access the image-showing device via the internal network (page 7, line 12 to page 8, line 26).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 11 and 13-16 are properly rejected under 35 U.S.C. 103(a) as being unpatentable over Kammer (US. Pub No. 2003/0087602 A1) in view of Slobodin et al. (US. Pub No. 2002/0196378 A1; hereinafter "Slobodin").

Whether claim 12 is properly rejected under 35 U.S.C. 103(a) as being unpatentable over Kammer and Slobodin as applied to claim 11, and further in view of Okanoue (US 6,307,843).

VII. ARGUMENT

Appellant respectfully traverses the rejections in accordance with the detailed arguments set forth below.

A. Claims 11 and 13-16 are not properly rejected under 35 U.S.C. 103(a) as being unpatentable over Kammer in view of Slobodin.

MPEP 2142 states:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) **must teach or suggest all the claim limitations**... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

1. Claim 11

Appellant's claim 11 includes the features of: "a mobile data carrier operative to load software to the visitor wireless device and to set the visitor wireless device to an ad-hoc mode."

On page 2 of the final Office Action Kammer, fig. 3, expansion card 124, and paragraph [0027], lines 14-17 are pointed to as teaching appellant's claimed features.

Paragraph [0027], lines 14-17 of Kammer teaches:

"Expansion card 124, including an RF transceiver, may be installed in handheld computer 100 via an expansion slot 122 used to house expansion cards such as, but not limited to, secure digital (SD) cards. Referring to FIG. 3, one such expansion card 124 is shown disposed proximate expansion card slot 122. An installed expansion card 124 that may be used for local area wireless communications is depicted in FIG. 2. RF transceiver 124 may be a Bluetooth transceiver, an IEEE 802.11 transceiver, or any of a variety of other RF, VHF, UHF, ultrasonic, or other wireless transceiver devices."

Nowhere in the cited section is there any suggestion that expansion card 124 is operative to load software to the visitor wireless device and to set the visitor wireless device to an ad-hoc mode. The features are simply not taught or suggested by Kammer.

Kammer paragraph [0027], lines 1-6 suggests that wireless connectivity software may be added via an expansion card or transferred from another computer. However, Kammer simply states the software may be added with no further explanation. There is no suggestion that the card is operative to load software, as more particularly claimed by appellant.

Furthermore, nowhere does Kammer suggest the feature of “to set the visitor wireless device to an ad-hoc mode.” The final Office Action points to paragraph [0026] of Kammer as showing this feature; however, Kammer only suggests that the handheld computer 100 may include local area wireless technology to permit wireless communication with other portable electronic devices and computing devices. This statement does not suggest to one skilled in the art appellant’s claimed feature of “a mobile data carrier operative to load software to the visitor wireless device and to set the visitor wireless device to an ad-hoc mode” (emphasis added).

Thus, Kammer fails to show or suggests the claimed features contrary to the assertions in the final Office Action.

Slobodin is pointed to as showing an image-showing device comprising a wireless communication interface. However, Slobodin does not show or even suggest appellant’s above claimed features. Thus, the combination of Kammer and Slobodin fail to teach or suggest all the claim limitations, therefore, the examiner does not produce a *prima facie* case of obviousness.

Because a *prima facie* case of obviousness has not been presented, it is respectfully requested that the rejection be reversed.

2. Claims 13-16

Claims 13-16 depend upon claim 11 and are also allowable at least by virtue of their dependency therefrom and because each claim recites further distinguishing features.

Accordingly, appellant essentially repeats the above arguments from claim 11 pointing out why each dependent claim 13-16 is not obvious in view of the combination of references. For at least the foregoing reasons, it is respectfully submitted that a *prima facie* case of obviousness has not been presented and it is requested that the rejection be reversed.

B. Claim 12 is not properly rejected under 35 U.S.C. 103(a) as being unpatentable over Kammer and Slobodin as applied to claim 11, and further in view of Okanoue.

1. Claim 12

Appellant's dependent claim 12 includes the features of: "the internal wireless device is adapted to connect to a base station of the internal communication network, and the visitor wireless device is not adapted to connect to the base station."

It is admitted in the final Office Action that the combination of Kammer and Slobodin fails to teach the claimed features. The Office turns to Okanoue as allegedly teaching the features of claim 12. However, as with the combination of Kammer and Slobodin, Okanoue likewise fails to teach or suggest the features of claim 11, from which claim 12 depends. Accordingly, appellant essentially repeats the above arguments from claim 11 pointing out why dependent claim 12 is not obvious in view of the combination of Kammer, Slobodin and Okanoue. For at least the foregoing reasons, it is respectfully submitted that a *prima facie* case of obviousness has not been presented and it is requested that the rejection be reversed.

CONCLUSION

In light of the above, appellant respectfully submits that the rejection of claims 11-16 is in error, legally and factually, and must be reversed.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1-10. (Cancelled).

11.(previously presented) A system for giving a presentation, comprising:

an internal communication network adapted for access by an internal wireless device and a visitor wireless device;

a mobile data carrier operative to load software to the visitor wireless device and to set the visitor wireless device to an ad-hoc mode;

an image-showing device comprising a wireless communication interface, wherein the internal wireless device is adapted to access the image-showing device via the internal network.

12.(previously presented) A system as claimed in claim 11, wherein the internal wireless device is adapted to connect to a base station of the internal communication network, and the visitor wireless device is not adapted to connect to the base station.

13.(previously presented) A system as claimed in claim 11, wherein the mobile data carrier is one of: an insertable card, or a radio card, or a read-only memory (ROM) device.

14.(previously presented) A system as claimed in claim 13, wherein the connection between the visitor wireless device and the image-showing device is not through the base station.

15.(previously presented) A system as claimed in claim 11, wherein the wireless devices are adapted to show a presentation controlled on the image-showing device.

16.(previously presented) A system as claimed in claim 1, wherein that the image-showing device is a projector.

17 -23. (Cancelled)

IX. EVIDENCE APPENDIX

No evidence has been submitted pursuant to §§ **1.130, 1.131, or 1.132** of this title nor any other evidence entered by the examiner and relied upon by appellant in the appeal.

X. RELATED PROCEEDINGS APPENDIX

Appellant is not aware of any appeals or interferences related to the present application.